



1623

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Arne H. Deggerdal et al. Art Unit : 1623
Serial No. : 08/849,686 Examiner : H. Owens, Jr.
Filed : August 21, 1997
Title : ISOLATION OF NUCLEIC ACID

Commissioner for Patents
Washington, D.C. 20231

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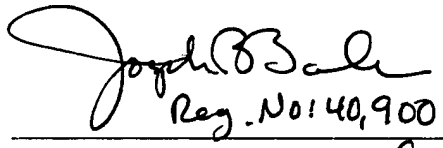
TRANSMITTAL LETTER

Correspondence relating to this application is enclosed. The required fees are computed below. Please apply any charges not covered, or any credits, to Deposit Account No. 06-1050.

Total Claims	29	-	29	=	0	\$0
Independent	6	-	6	=	0	\$0
First Presentation of Multiple Dependent Claims						\$0
TOTAL FEE DUE						\$0

The Response was initially due on Saturday, February 15, 2003 (a Saturday), and Monday, February 17, 2003 (was a holiday), therefore, this Response is being timely filed on the next business day following the holiday.

Respectfully submitted,


Reg. No. 40,900

Date: 2/18/03

Janis K. Fraser, Ph.D., J.D. *for*
Reg. No. 34,819

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

February 18, 2003
Date of Deposit
Lucille M. Begalla
Signature
Lucille M. Begalla
Typed or Printed Name of Person Signing Certificate



#31
3-5-03
Done

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RESPONSE TO RESTRICTION REQUIREMENT

In the Restriction Requirement mailed January 15, 2003, the Examiner restricted the claims to the following Groups:

I. Claims 1, 5-15, 17, 19-24, and 27-32, drawn to a method of isolating genomic DNA compounds and RNA, classified in class 536, subclass 25.4; and

II Claims 16, 33, and 34, drawn to a method of isolating genomic DNA compounds and kit therefore, classified in class 536, subclass 25.41+.

I. ELECTION OF GROUP

Applicants elect the invention of Group I (claims 1, 5-15, 17, 19-24, and 27-32), drawn to a method of isolating genomic DNA compounds and RNA, classified in class 536, subclass 25.4.

This election is made with traverse.

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February 18, 2003
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Signature Lucille M. Begalla

Typed or Printed Name of Person Signing Certificate
Lucille M. Begalla

II. TRAVERSAL

Restriction is proper if examination of the claims would result in a serious search burden for the Examiner (MPEP §803 *et seq.*). Applicants respectfully submit that searching claims 33 and 34 along with the claims of Group I (claims 1, 5-15, 17, 19-24, 25, and 27-32) would not pose a burden to the Examiner. The Examiner is respectfully directed to claim 31 (Group I) wherein the claimed subject matter covers "... isolating genomic DNA from cells. ..."

Similarly, claim 33 (Group II) covers subject matter directed to "... isolating RNA and genomic DNA from cells. ..." (Emphasis added). Claims 31 and 33 are identical except for (i) the addition of RNA in the preamble, and (ii) element (d) at the end of claim 33. Applicants submit that this final element, element (d) of claim 33, could have been written as a dependent claim off of claim 31 had the Applicants chosen to do so. In addition, claims 32 and 34 are identical except for the base claim from which they depend. Applicants submit that searching the broader subject matter of claim 31 would also identify art applicable to the subject matter of claim 33. Thus, examining the Group I claims as well as claims 33 and 34 would result in a more efficient examination and would not result in a burden to the Examiner.

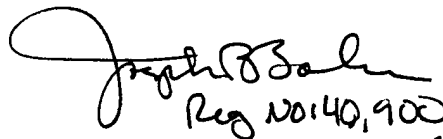
Accordingly, Applicants respectfully request joinder of claim 33 and 34 with the claims of Group I (claims 1, 5-15, 17, 19-24, 25, and 27-32).

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

2/18/03


Reg No 140,900

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